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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT FAIRBANKS

JUSTIN ACKER, EMILY ACKER, E.A. (2019),
I.A. (2020; JOHN DOE, JANE DOE, JOHN DOE
JR. (2020), AND JANE DOE JR. (2016),

Plaintiffs,

v.

PROVIDENCE HEALTH & SERVICES
WASHINGTON d/b/a PROVIDENCE ALASKA
MEDICAL CENTER, BARBARA KNOX, M.D.,
and BRYANT SKINNER,

Defendants.

Case No. 4:22-cv-00017 SLG

[PROPOSED]
ORDER GRANTING DEFENDANT KNOX'S RENEWED
MOTION FOR SUMMARY JUDGMENT

This Court, having considered Defendant Barbara Knox, M.D.'s Renewed Motion for Summary Judgment, all responsive pleadings there to, and otherwise being fully apprised of the premises hereby **GRANTS** said Renewed Motion.

In so ruling, the Court finds that Plaintiffs' claim for 42 U.S.C. §1983 liability fails because Dr. Knox's medical evaluation and diagnosis of I.A. bears no relation to any "exercise

1 of some right or privilege created by the [government] or a rule of conduct imposed by the
2 [government].” Lugar v. Edmondson Oil Co., Inc., 457 U.S. 922, 937 (1982). Further, Plaintiffs’
3 42 U.S.C. §1983 claim is further unsupportable because Dr. Knox is not, and never was, a state
4 actor. None of the recognized exceptions apply to warrant her treatment as a state actor for the
5 purposes of establishing her liability under 42 U.S.C. §1983. Plaintiffs’ 42 U.S.C. §1983 claim
6 lacks viability. Since Plaintiffs’ §1983 allegations against Defendant Providence Health &
7 Services Washington d/b/a Providence Alaska Medical Center are based in entirety upon the
8 actions of its employee, Dr. Knox, the 42 U.S.C. §1983 claim is hereby DISMISSED with
9 prejudice as to all parties.

10 Having disposed of the federal claims, the Court now turns its attention to the remaining
11 state law claims, over which is exercises supplemental jurisdiction pursuant to 28 U.S.C. §1367.

12 Based upon the evidence before the Court, it has determined that there is no genuine issue
13 of material fact tending to show that Dr. Knox’s involvement with I.A. occurred other than within
14 the context of her role as a member of the Alaska CARES multidisciplinary team. AS
15 47.14.300(h) plainly provides immunity from liability of any member of a multidisciplinary child
16 protection team “brought by reason of the performance of a duty, function or an activity of the
17 team.” Dr. Knox's activities relating to the Plaintiffs occurred within the context of her role with
18 the multidisciplinary team, therefore she is immune, and those claims must be dismissed with
19 prejudice. Furthermore, Dr. Knox also enjoys immunity with respect to the reporting of child
20 abuse and/or investigations related thereto pursuant to AS 47.17.050.

21 Therefore, none of the allegations lodged against Dr. Knox survive judicial scrutiny as a
22 matter of law, and she is hereby **DISMISSED** with prejudice.

Dated this _____ day of _____, 2024.

CERTIFICATE OF SERVICE

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